



# NARACOORTE LUCINDALE COUNCIL

## Child Safe Environment Policy

Version: 1.3  
Policy No: C5

<b>RESPONSIBLE OFFICER:</b>	Chief Executive Officer
<b>RELEVANT DELEGATIONS:</b>	Management Team
<b>LEGISLATION AND REFERENCES:</b>	<i>Children and Young People (Safety) Act 2017 (SA)</i> <i>Children and Young People (Safety) Regulations 2017 (SA)</i> <i>Child Safety (Prohibited Person) Act 2016 (SA)</i> <i>Child Safety (Prohibited Person) Regulations 2016 (SA)</i> <i>National Principles for Child Safe Organisations 2019</i>

## 1. INTRODUCTION

Naracoorte Lucindale Council is committed to the safety and wellbeing of children, young people and other vulnerable people who access our services. We support the rights of children and young people in the community and will act without hesitation to ensure a safe environment is maintained at all times. We also support the rights and wellbeing of our employees and volunteers and encourage their active participation in building and maintaining a secure environment for all children, young people and other vulnerable people.

This Policy complies with the *Children and Young People (Safety) Act 2017*, *Child Safety (Prohibited Persons) Act 2016* and the *National Principles for Child Safe Organisations* and aims to ensure we provide safe environments for children and young people and that they are protected from harm or risk of harm.

We have a commitment to diversity and ensuring that all children and young people are embraced regardless of their abilities, sex, gender, or social economic or cultural background and equity is upheld. Bullying and harassment will not be tolerated.

This Policy also aims to ensure that all relevant Council employees, Elected Members, volunteers and contractors and consultants are aware of their duty of care responsibilities for the protection, safety and wellbeing of children and young people at all times.

## 2. LEGAL OBLIGATIONS

- **Child Safe Environments**

In South Australia, organisations providing services to children and young people must comply with Section 114(1) of the *Children and Young People (Safety) Act 2017* which requires Councils and subsidiaries to have in place policies and procedures for ensuring:

- Child safe environments policy(ies) are in place and at a minimum, review their policy(ies) once every 5 years
- Council meets Working with Children Check obligations, and
- Council lodges a child safe environments compliance statement with the Department of Human Services and lodge a new statement each time policy(ies) are reviewed and updated.

The policies and procedures must comply with the National Principles for Child Safe Organisations issued by the Chief Executive of the Department of Human Services as varied from time to time.

- **Mandatory Reporting**

Section 30(3) of the *Children and Young People (Safety) Act 2017* prescribes mandated notifiers as any Council employee, contractor, volunteer or person undertaking educational or vocational training, being a person who:

- Provides services directly to children and young people; or
- holds a management position in the organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children and young people; and

Mandated notifiers also include an officer or employee of a Council or subsidiary who holds a management position, the duties of which include direct responsibility for, or direct supervision of, the provision of services to children.

Mandated notifiers must report any suspicion of a child being at risk to the Child Abuse Report Line (CARL) (telephone 24 hours a day, 7 days a week on 13 14 78). Failure to comply with mandatory reporting obligations is serious and gives rise to an offence under the Act.

- **Compliance Statements**

Organisations providing services to children and young people must lodge a child safe environments compliance statement with the Department of Human Services and lodge a new statement each time policy(ies) are reviewed and updated (or every 5 years, whichever occurs first).

### 3. DEFINITIONS

**Child or young person** means a person under the age of 18.

**Harm or risk of harm** includes physical or psychological harm (whether caused by an act or omission) and includes such harm or risk of harm caused by sexual, physical, mental or emotional abuse or neglect.

**Prescribed position** is a position in which a person works with children or young people or a position in which it is reasonably foreseeable that the person will work with children or young people. Prescribed positions may be held by employees, volunteers, contractors, persons undertaking educational / vocational training or Elected Members.

**National Police Check** - a summary of an individual's offender history in Australia and a record of their criminal history relating to convictions, finding of guilt or pending court proceedings. They are available from South Australia Police (SAPOL) or organisations accredited by the Australian Criminal Intelligence Commission.

**Working with Children Check** - People working or volunteering with children in South Australia must, by law, have a valid, not prohibited Working with Children Check. A Working with Children Check is an assessment of whether a person poses an unacceptable risk to children. As part of the process, the Screening Unit will look at criminal history, child protection information and other information.

## 4. APPLICATION OF THE POLICY

This policy applies to Elected Members, Council employees, volunteers, trainees, contractors, consultants and any others providing services on behalf of the Council to children and young people.

## 5. POLICY

Council is committed to ensuring the organisation and Council facilities are safe environments for children and young people. The following ensures Council meets legislative requirements and aligns with the National Principles for Child Safe Organisations.

### **Risk Management Framework**

Council will identify and assess potential sources of harm and take steps to decrease the likelihood that harm will occur to children, young people and other vulnerable people who use our services. Areas of risk assessment will include human resources, activities and programs, record keeping, physical spaces, and organisational culture.

### **Child Safe Environment Code of Conduct**

All employees, volunteers, contractors, Elected Members and consultants will be required to comply with the Child Safe Environment Code of Conduct, endorsed by Council, which sets out standards of conduct when providing services to children and how a breach can be reported

The code of conduct is supported by Council's grievance procedure to address breaches of the Code of Conduct.

### **Recruitment, Selection and Enhancing Performance**

Council will take all reasonable steps to ensure that it engages the most suitable and appropriate people to work with, and provide services to, children and young people.

Applicants for prescribed positions will be screened for their suitability to provide services. Screening will involve Working with Children Check, interviews, referee reports, checking qualifications and previous employment history in working with children.

Council will verify the accuracy of the Working with Children Check, and for existing employees, will verify they renew their Working with Children Check every 5 years and the status remains as not prohibited. Verification will be done online through the Organisation Portal via the DHS Screening Unit.

Council will ensure that all employees, volunteers, contractors, Elected Members and consultants who work with children and young people, or who have access to their personal records, are provided with ongoing support and training to develop, enhance and maintain a child safe environment.

The Child Safe Environment Policy and Code of Conduct: Child Safe Environments, will be included in Council induction programs provided to employees, volunteers and Council Members, including contractors and consultants.

Mandatory notifiers will be provided with training on their reporting requirements.

### **Reporting and Responding to Harm or Risk of Harm**

Mandatory notification is an external reporting obligation required by law.

Mandated notifiers are employees, volunteers, contractors, or consultants, being people who:

- provide such services directly to children and young people; or
- hold a management position in the organisation the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children and young people

Council will ensure that employees, volunteers, contractors and consultants providing services to and/or working with children are aware of being a mandated notifier and are trained, and appropriately supported to report any suspicion of harm or risk of harm (including abuse or neglect) on reasonable grounds.

Non-mandated notifiers are encouraged to make voluntary reports about harm or risk of harm to a child or young person.

Reports regarding the reasonable belief that a child or young person is, or may be, at risk of harm are to be made to the Child Abuse Report Line (CARL) on 13 14 78 or if at immediate risk, report to South Australia Police (SAPOL) on 000. In cases involving Aboriginal children and young people, support is provided by Yaitya Tirramangkotti - an Aboriginal team, via the CARL number.

The individual who identifies the harm or risk of harm must be the person who makes the report to CARL/SAPOL and this is not reported internally for another employee to determine if it is a reportable matter. The relevant authority (CARL/SAPOL) will guide council on whether an internal investigation is appropriate.

Council will support children, young people and their families after a report to CARL/SAPOL has been made through referring the child, young person or their family to other appropriate services and continuing to provide a service to the child or young person and their family and monitoring their circumstances.

## **Reporting and responding to general complaints and feedback**

Any stakeholder of the Council can make a complaint or express dissatisfaction with Council services or facilities. Any breaches in employee conduct should be reported to Council in line with the Customer Service and Complaint Handling Policy No. 21.

Council encourages families, children and young people to provide feedback on programs, services and facilities provided by Council. This commitment is underpinned through Council's Communication and Engagement Strategy, where consultation methods consider a child or young person's age, developmental level and cultural background.

## **RELATED DOCUMENTS**

- Complaints Handling Procedure under the Code of Conduct for Elected Members
- Grievance/Review of Decisions
- Public Consultation and Community Engagement Policy
- Code of Conduct for Council Members
- Code of Conduct for Child Safe Environments
- Employee Behavior Standards Policy
- Council Delegations and Sub Delegations

## **POLICY ENQUIRIES**

All enquiries about this policy should be directed to the Chief Executive Officer or relevant Director or Manager. Any grievances in relation to this policy or its application should be addressed to the Chief Executive Officer.

## POLICY REVIEW

The Child Safe Environment Policy will be reviewed, at a minimum, at least every 5 years to ensure compliance with the Children and Young people (Safety) Act 2017 and the National Principles for Child Safe Organisations and effective maintenance of a safe environment.

If Council expands the services offered to children and young people; undergoes a substantial change; or experiences an event or incident where a child or young person was or could have been at risk, a review of this Policy should be considered.

A statement of compliance should be lodged with the Department of Human Services as soon as possible after preparing, adopting, varying or substituting the Policy.

## AVAILABILITY OF POLICY

This Policy is available for inspection without charge at the following location during ordinary business hours:

- Principal Office, DeGaris Place, Naracoorte
- Council Website: [www.naracoortelucindale.sa.gov.au](http://www.naracoortelucindale.sa.gov.au)

A copy of the Policy may be purchased from the Principal Council Office upon payment of a prescribed fee in accordance with Council's Schedule of Fees and Charges.

## ADOPTION AND AMENDMENT HISTORY

<b><i>Date</i></b>	<b><i>Authorised by</i></b>	<b><i>Minute Reference</i></b>
23 May 2023	Council	Reviewed – Resolution 261/23
23 August 2022	Council	Reviewed – Resolution 43/23
28 April 2020	Council	Reviewed – Resolution 536/20
February 2014	Council	Reviewed – Resolution 316/14
19 April 2011	Council	Reviewed - Resolution 484 / 11
19 January 2010	Council	Reviewed - Resolution 291 / 10
18 December 2007	Council	Adopted - Resolution 216/08